

EXHIBIT G

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

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In re: Chapter 9

SUFFOLK REGIONAL OFF-TRACK BETTING Case No.
CORPORATION, 12-43503-CEC

Adjusted Debtor.

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JENNIFER TOMASINO, KEVIN MONTANO, RICHARD
MEYER, and APRYL L. MEYER,

Plaintiffs,

-against- Adv. Proc. No.
18-1033-CEC

INCORPORATED VILLAGE OF ISLANDIA, BOARD OF
TRUSTEES OF THE VILLAGE OF ISLANDIA, DELAWARE
NORTH ISLANDIA PROPERTIES, LLC, aka DELAWARE
NORTH, and SUFFOLK REGIONAL OFF-TRACK BETTING
CORPORATION,

Defendants.

-----X

October 15, 2018
2:11 p.m.

100 Motor Parkway
Hauppauge, New York

DEPOSITION of JENNIFER TOMASINO, a
Plaintiff herein, taken by Adversarial Parties,
pursuant to Federal Rules of Civil Procedure,
and Notice, held at the above-mentioned time and
place, before Edward Leto, a Notary Public of
the State of New York.

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2 A P P E A R A N C E S:

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4 LAW OFFICES OF ANTON J. BOROVINA
Attorneys for Plaintiffs
5 225 Broad Hollow Road, Suite 303
Melville, New York 11747

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BY: ANTON J. BOROVINA, ESQ.

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SINNREICH KOSAKOFF MESSINA, LLP
Attorneys for Defendants Incorporated
Village of Islandia and Board of
10 Trustees of the Village of Islandia
267 Carleton Avenue, Suite 301
11 Central Islip, New York 11722

12 BY: MICHAEL STANTON, ESQ.

13

14 HODGSON RUSS, LLP
Attorneys for Defendants Delaware
15 North Islandia Properties, LLC aka
Delaware North
16 140 Pearl Street, Suite 100
Buffalo, New York 14202

17

BY: CHARLES W. MALCOMB, ESQ.

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ECKERT SEAMANS CHERIN & MELLOTT, LLC
Attorneys for Adjusted
20 Debtor/Defendant Suffolk Regional
Off-Track Betting Corporation
21 10 Bank Street, Suite 700
White Plains, New York 10606

22
23 BY: CHRISTOPHER F. GRAHAM, ESQ.
REN-ANN WANG, ESQ., of Counsel

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FEDERAL STIPULATIONS

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IT IS HEREBY STIPULATED AND AGREED by
and between the parties hereto, through their
respective counsel, that the certification,
sealing and filing of the within examination
will be and the same are hereby waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form of
the question, will be reserved to the time of
the trial;

IT IS FURTHER STIPULATED AND AGREED that
the within examination may be signed before any
Notary Public with the same force and effect as
if signed and sworn to before this Court.

1 J. Tomasino

2 J E N N I F E R T O M A S I N O, the Witness
3 herein, having been first duly sworn by a
4 Notary Public in and of the State of New
5 York, was examined and testified as
6 follows:

7 EXAMINATION BY

8 MR. MALCOMB:

9 Q Please state your full name for
10 the record.

11 A Jennifer Tomasino.

12 Q What is your current address?

13 A 4 Dawson Court, Islandia, New York
14 11749.

15 (J. Tomasino Exhibit A,
16 Amended Complaint, was marked for
17 identification, as of this date.)

18 Q Hi, Ms. Tomasino. My name is
19 Chuck Malcomb. I'm an attorney representing
20 Delaware North, and we're here today to take
21 your deposition.

22 Just a quick question before we
23 get started, have you ever been deposed?

24 A No.

25 Q So this is your first time?

1 J. Tomasino

2 Q If you take a look at the second
3 page, right before your signature line you said
4 "I know nothing about 58 police reports. We
5 have heard rumors of prostitution and drugs on
6 the fourth floor and know there are undercover
7 police in there."

8 Can you tell me how you know that
9 there's undercover police in the hotel?

10 A From rumors. But we now know it
11 was true from the news and the recent undercover
12 drug bust that was done over there.

13 Q Well, you said that there was
14 rumors. What rumors did you hear?

15 A From Facebook posts or people
16 just -- people that know I live so close like to
17 tell me as much information as possible.

18 Q Did Apryl Meyer tell you about
19 undercover operations relating to prostitution
20 in the hotel?

21 A No.

22 Q You never discussed it with her?

23 A I discussed it with her after I
24 heard about it.

25 Q She didn't confirm to you that

1 J. Tomasino

2 A I didn't say businesses.

3 Q Or you know, residences, it would
4 be convenient for everybody, the Long Island
5 Expressway is right there, right?

6 A It depends on the person.

7 Q Would other people agree with you
8 do you think?

9 MR. BOROVINA: Objection to
10 the question.

11 Q Do you think it's convenient?

12 A For me it's convenient.

13 Q Because of access, right?

14 A Yes.

15 Q And because it's easy to get to?

16 A Yes.

17 Q If you know, do you think that's a
18 criterion that businesses would look at?

19 A I don't know.

20 Q If you don't know, you don't know.
21 When you bought your house, did you review the
22 Village's zoning ordinance?

23 A No.

24 Q Did you review the Village's
25 Master Plan?

1 J. Tomasino

2 A No.

3 Q Have you ever reviewed the
4 Village's Master Plan?

5 A No.

6 Q Have you ever reviewed the
7 Village's zoning ordinance?

8 A Some of it.

9 Q What sections have you reviewed?

10 A The activity that's prohibited.

11 Q Specifically?

12 A I know that drugs are prohibited.
13 I know that hookah bars are prohibited. I
14 believe apartments are prohibited and open
15 alcoholic beverages.

16 Q Do you know what a zoning district
17 is?

18 A I have some knowledge.

19 Q What do you know?

20 A That a district is zoned. A type
21 of zoning.

22 Q What does that mean to you?

23 A I don't know.

24 Q Did you review the uses that were
25 permitted under the zoning code around your

1 J. Tomasino

2 with?

3 A A woman named Susan. I don't
4 recall her last name.

5 Q But she's the person you dealt
6 with at the contractor's office?

7 A No, I dealt with the contractor
8 personally.

9 Q Oh, the owner?

10 A Yes.

11 Q So, when you decided to sign a
12 contract and decided what you wanted, you talked
13 directly with Victor?

14 A Victor, yes.

15 Q Did you ask him any questions
16 about the surrounding land uses and the
17 surrounding zoning district?

18 A We did speak about the hotel that
19 was there for, like, over, you know, 20 years.

20 Q Anything else?

21 A No.

22 Q Anything about the Park & Ride?

23 A No, I didn't ask him any questions
24 about it.

25 Q How much did you pay for your

1 J. Tomasino

2 properties," did I read that statement correct?

3 A Yes.

4 Q Do you agree with that statement?

5 A I do.

6 Q Did you review this statement
7 before your attorney filed this with the court?

8 A Yes.

9 Q Could you explain the basis behind
10 your statement that there's been a diminution in
11 value of your property?

12 A Based upon the research that I did
13 when I first got knowledge of the casino coming,
14 the mayor told me there would be a diminishment
15 in the property. That's basically what sparked
16 my interest in researching it.

17 Over 1,000 people protested the
18 other locations on Long Island. That was a
19 major complaint. They had sent me a bunch of
20 information. Actually handed me a bunch of
21 information at one of the meetings and that's my
22 knowledge of it.

23 Q So, there's no specific study with
24 respect to your property, correct?

25 A No.

1 J. Tomasino

2 Q Did they follow up with you?

3 A No, they did not.

4 Q How many times did you call the
5 police with respect to the VLT facility?

6 A A handful of times. Not nearly as
7 much as I've called the security or the Village
8 security.

9 Q More than five?

10 A Possibly. I don't know exactly.

11 Q But it was more than one for sure?

12 A Yes.

13 Q But not quite as many times as the
14 hotel security?

15 A No, not nearly.

16 Q To your knowledge, as a result of
17 one of your complaints, has anybody been charged
18 with a crime or arrested or a ticket was issued?

19 A To my knowledge, I don't know.

20 Q So, to your knowledge no?

21 A No.

22 MR. MALCOMB: This will be
23 Exhibit F.

24 (J. Tomasino Exhibit F,
25 text message, was marked for

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C E R T I F I C A T E

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I, EDWARD LETO, a Notary Public in and
for the State of New York, do hereby certify:

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THAT the witness whose testimony is
hereinbefore set forth, was duly sworn by me;

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and

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THAT the within transcript is a true
record of the testimony given by said witness.

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I further certify that I am not related,
either by blood or marriage, to any of the
parties in this action; and

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THAT I am in no way interested in the
outcome of this matter.

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IN WITNESS WHEREOF, I have hereunto set
my hand this 18th day of October, 2018.

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EDWARD LETO

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